

PART IV

Section I-C (II)

**RULES AND NOTIFICATIONS ISSUED BY THE STATE
GOVERNMENT UNDER THE CENTRAL ACTS.**

GOVERNMENT OF MYSORE

(LABOUR DEPARTMENT).

Labour Dispute.—Industrial Dispute between the Workmen and the Managements of (1) Srinivasa Press, (2) V jaya Press, (3) Dharmaparakash Press and (4) Hind Art Press, Mangalore

Award of the Industrial Tribunal, Bangalore published.

Read the following papers —

1. Letter No. IT 658/63-64, dated 19/20th June 1963, from Sri S. S. Mahmath, Presiding Officer, Industrial Tribunal, Bangalore.

**BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE,
BANGALORE**

Dated 10/ 19th June 1963

Present :

Sri S S Mahmath, B A , LL B , . . . Presiding Officer.

ID No 21 of 1962

I Party .—

Workers of —

- (1) Srinivas Press, (2) V jaya Press, (3) Dharmaparakash Press
and (4) Hind Art Press, Mangalore, by the Secretary
S. K Press Workers' Union, Main Road, Mangalore.

Vs

II Party —

Managements of .—

- (1) Srinivasa Press, (2) V.jaya Press, (3) Dharmaparakash Press
and (4) Hind Art Press, Mangalore

AWARD.

This case has been referred to this Tribunal under section 10(1)(D) of the Industrial Disputes Act, 1947, by the Government of Mysore, in

their Order No PLM 49 LLD 62, dated 2nd March 1962. It is a demand for enhancement of wages made against the four Printing Presses in Mangalore.

2 The Claim on behalf of the workmen has been made by the Secretary, S K Press Workers' Union, Maidan Road, Mangalore. The demands made by that Union are to be found in the copies of the letter dated 20th February 1961 written by the said Secretary of the Union to the Assistant Commissioner of Labour, Mysore. It is stated in that letter that a decision to claim increased wages was taken in a meeting of the General Body of the Union held on 17th August 1960. As a justification for the demand it is mentioned that there has been an increase in the cost of living and that while one section of the workers did get an increase as a result of the limit fixed by the Government, some others have failed to get any benefit from it. This/it is urged, is likely to lead to discontent among the workers.

3 As already stated above, four printing presses are included as II party. No 1 is Sreenivasa Press. They have filed no rejoinder. The second is Vijaya Press. They also have filed no rejoinder. But in their letter dated 17th April 1962, they mention that the workers of that press have been receiving something more than the demands raised by the I party and as such there could be no room for an industrial dispute. The third is Dharmapratash Press. Their written statement dated 20th March 1962, was received in the office on 2nd April 1962. They challenge the claim of the I Party as unsustainable either in law or on facts. It is stated that only three workers are in their employ and that all of them did not get any benefit of the minimum wages Act. According to them, none of these employees are skilled workers. Still they were given high wages in view of the number of years of service put in by them. The work done by them is really unskilled or at the most semi-skilled. It is stated that the financial position of the Press is not strong and that it cannot stand the burden of the increments demanded. The fourth Press is Hind Art Press. They have also filed no Rejoinder. But in their letter dated 14th May 1962 it is stated that minimum wages were given to all workers from 20th March 1962 and that an increment of Rs 5 per month was also granted to all other workers. Hence, it is stated that there is no dispute between the workers and the management.

4. On these pleadings the following issue has been framed by on 5th December 1962

"1 Are the workmen of the four Printing Presses noted in the Reference or any of those workmen entitled to get an enhancement of wages by Rs 10 per month or by any other lesser amount?"

5 The I Party has not produced any documents, but they have filed two affidavits, one of their Secretary (W W 1) and another of

K Annappa (W W 2) who is an employee in Dharmaprakash Press No. 3. on behalf of Dharmaprakash Press (No 3) an affidavit of the Proprietor Sri Vithalacharya has been filed at M.W 1. Along with it four documents have been filed.

6. On 10th June 1963, when the case was taken up for arguments at Mangalore camp, a letter was produced on behalf of Srinivasa Printing Press stating that the Proprietor of the Press was unable to argue through their counsel "now being rainy season" Arguing for the I Party, Sri Sivananda urged that as a result of fixation of the minimum wages, some of the workers in this industry get enhancement of wages from 18th July 1960. Those whose wages were already higher than the minimum wages fixed, got no benefit. It is on behalf of such persons that a demand of an increment of Rs 10 per month is made in this case. At this stage it may be worthwhile repeating that not only the three printing presses Nos 1, 2 and 4 have failed to take part in the proceedings and have failed to produce any evidence, but even the I party has not made any attempts to produce any evidence as against them. Both parties have produced some evidence in respect of the Dharmaprakash Press only. It is however stated by Sri Sivananda that after the Reference, the presses Nos 1, 2 and 4 have given increments. That is possibly why the case is fought against Dharmaprakash Press Only.

7. It is stated by Sri Vithalacharya, the proprietor of the Dharmaprakash Press, in his Affidavit M W 1, that the press, which at one time had employed as many as 30 persons, now retains only 3 employees. This according to him is on account of the want of profits or on account of losses that the press has been incurring. He has produced an extract showing the returns and payments in the three sections of the press from 1956-57 to 1959-60 (both inclusive). Out of the three employees one K Annappa has filed his affidavit W W 1, on behalf of the I Party. He states that he has been getting Rs. 62 per month and that another employee Janardhan gets Rs 60 per month, while the third person also gets Rs 60 per month. Sri Vithalacharya argues that the salary paid to W W. 2 works at Rs 2 31 nP. per day which is higher than the minimum wages of Rs 1. 75 nP per day. W W 2 states that he has put in a long service of nearly 30 years. But he has not stated on what wages he started 30 years ago to give us an idea as to the progress his wages have been making. He could otherwise have stated what his own requirements are. No indication about it is given in any evidence. It is stated that there has been an agreement between the labour and the managements of 20 printing presses and that they have agreed to pay Rs 10 more per month in their salaries. But a copy of that agreement is not placed on record. It is not known what were the wages paid by these presses prior to the agreement. Under these circumstances it is difficult to draw a comparison and thereby to settle what should or should not be the increments in the case of the press under consideration. It is not stated that there are any standing orders or

that there are any wage scales fixed. As already said there is no evidence about the needs of the workmen. The I Party has taken little pains not only in placing requisite materials but in otherwise conducting this case. The affidavits filed by them do not carry the case very far. There is no material before me on the basis of which I could come to some definite conclusion about the needs of the workmen and about the increment. Under these circumstances I have to hold that the I Party has failed to prove its case.

8 The claim is dismissed and the Reference is rejected. I pass an award accordingly. There will be no order as to costs.

S. S. MALIMATH,
Presiding Officer,
Labour Court, Bangalore.

ORDER NO. PLM 49 LLD 1962, BANGALORE, DATED
THE 2ND JULY 1963.

WHEREAS by State Government Order No. PLM 49 LLD 62, dated the 2nd March 1962, the Industrial Dispute between the Workmen and the Managements of (1) Srinivasa Press (2) Vijaya Press (3) Dharmaprakash Press, and (4) Hind Art Press, Mangalore was referred to the Industrial Tribunal, Bangalore, for adjudication.

AND WHEREAS the Industrial Tribunal has submitted to the State Government its award in respect of the said Industrial Dispute,

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

By Order and in the name of the Governor of Mysore,

H. L. LINGARAJ URS,
364 *Deputy Secy. to Govt., P. H., Lab. & Ml. A. D.*